The Adjutant General Directorate

"People Always ... Mission First"

CRSC Ambassador Training

March 12, 2008

Agenda

- Introductions
- Administrative Reminders
- CH61/TERA Implementation and Processes
- Case Examples
- Open Discussion

Administrative Reminders

- Use the V2AM Coded Claim Form
- Ambassador Impact
  - 125 Claims and 1 Reconsideration received
  - Claims: 61 Approved, 37 Disapproved, 27 In Process
  - Recon: 1 Approved
- Keep the program office informed of briefings or events you plan to attend on behalf of CRSC
- CRSC Retro Pay
  - Any questions regarding Retro Pay need to be directed to DFAS through www.dfas.army.mil . Click on Retirement Pay at the top of the page and then Retroactive Payments for the latest information.
  - Main phone number: 1-800-321-1080

Overview of Legislation

- The NDAA expanded Combat-Related Special Compensation (CRSC) eligibility to include those who were medically retired under Chapter 61 with less than 20 years of service and Temporary Early Retirement Authority (TERA) retirees, effective January 1, 2008.

- Other eligibility requirements remain the same
  - 10% or greater VA rated injury
  - Receiving military retired pay
  - Military retired pay is reduced by VA disability payments (VA Waiver)

Definition of Chapter 61 and TERA retirees

- A Chapter 61 retiree is anyone who was medically retired, including temporary retirees, from military service with a 30% or greater VA rated disability. The term "Chapter 61" comes from the corresponding chapter in Title 10 US Code defining the different categories medical separation and retirement. For example; if you were retired under 10 USC Sec. 1201, that means Title 10, US Code, Chapter 61, Section 1201.

- TERA retirees include anyone who retired under the Temporary Early Retirement Act. This retirement authority was signed into law with the 1993 NDAA and expired in September 2001. It offered early retirement to service-members with at least 15 to 19 years of service.

Non-Eligible Claimants

- Potential claimants that opt for a severance package or waive their military retirement pay are not eligible since they are not receiving retired pay, therefore there is nothing to offset

- Those who retired with physical disabilities not incurred in the line of duty under section 12731b of Title 10 USC are not eligible per the legislation

Chpt. 61/TERA Claims Processing

- As of March 12 we have received 283 CH61 claims and 2 TERA claims

- CH61 and TERA Claims will not be processed until the DoD provides program implementation instructions, which is expected early April

Case Example #1 - TDRL

SFC Smith was determined to have a 20% disability and was placed on the TDRL, but has not gone to the VA to be evaluated.

At this time, SFC Smith is not eligible for CRSC because she does not have any money taken out of her retirement pay through a VA waiver. If she goes to the VA for an evaluation her retirement is reduced, she can then apply for CRSC.

At SFC Smith's third evaluation, they decided her injury was in fact a permanent and stable disability and upgraded her percentage to 40% and placed her on the permanent medical retirement list. SFC Smith is now receiving retirement benefits, to include military retired pay reduced by a VA waiver.

SFC Smith is now receiving military retirement pay and has that pay reduced by a VA waiver and can submit a claim if her disability is combat-related according the CRSC program guidance.

Case Example #2 - IU

SFC Smith has been awarded 80% with Individual Unemployment (IU) from the VA. He submitted a claim form, with the help of a stellar Ambassador who used the V2AM coded claim form, but was only awarded 80% CRSC, not 100%. Why wasn't this changed to 100% because of his IU?

IU is not a disability or a diagnosis therefore the service branches (CRSC offices) do not include it in the total combat-related disability percentage.

Eligibility for IU is determined by the Department of Veterans Affairs (DVA), and

DFAS will include **compensation for IU** on your CRSC benefits if you total combat-related disability is 60% or higher.

Case Example #3 – VA Upgrade

SFC Smith's VA disability has increased from 10% to 40%. Does she need to reapply for a CRSC upgrade?

If a retiree's injury/illness rating increases for the same VA disability code used to apply for CRSC, DFAS will make the adjustment automatically (allow 60 days for DFAS to process the upgrade)

If VA changes the disability code that was previously awarded (i.e. 7913-Diabetes 10% changes to 8520-Paralysis of a nerve 10%) or if VA adds additional disabilities that CRSC did not previously award, the retiree must apply for reconsideration using a DD Form 12e

Case Example #4 – Pay Questions

SFC Smith receives $1,200 in military retired pay with a spouse and one child. He was awarded 80% CRSC. He is only receiving $1,200 in CRSC and not the full $1,511 per the CRSC pay chart.

Because CRSC was created to offset the VA waiver, your CRSC payments can not exceed the total amount of your military retired pay.

Discussion Notes

- If a servicemember applies for CRSC and is approved but passes away before payment takes effect, is the beneficiary eligible for the benefits?
  - If the servicemember has signed the claim form and it was submitted before they pass away, the beneficiary will receive the back pay from the the effective date up to the month of. CRSC is not awarded posthumously.
- When will we get the new forms/guidance for CRSC?
  - As of March 10, 2008, CRSC is awaiting final program implementation guidance from DoD. Once that is received, we will begin to process all Chapter 61 and TERA CRSC claims.
- Clarify the need to submit a reconsideration?
  - By law, medical providers are able to accept documents that are not allowed under CRSC program guidance. Primary providers can be nurses, physician assistants, or doctors.

Discussion Notes (cont.)

- A retiree is awarded 10% CRSC, but has a total 60% service-connected disability with Individual Unemployability (IU). Are they paid 100% CRSC because of the IU?
  - No. In order to be paid the difference in IU for a CRSC award, you must have the total combat-related disabilities total 60-90%. The VA will notify DFAS regarding each retiree's IU determination. DFAS will then notify eligible retirees of any increases to their CRSC rate.
  - Keep in mind, however, that the gross monthly amount of CRSC cannot exceed the gross monthly amount of retired pay, regardless of IU determination. For instance, if a retiree's current CRSC payment is already equal to their gross-monthly amount of retired pay, no additional money is due.
- TDRL – Are they eligible eligible under the new legislation?
  - ANYONE in receipt of military retired pay with money being taken out through a VA waiver will be eligible. Every servicemember, no matter what legislation they are eligible under, will need to submit official military documentation linking their disability to a combat-related event.

Discussion Notes (cont.)

- According to an Ambassador contact, the number of staff working on the VA Retro Pay project are being increased and they expect to complete sending out payments this spring. Any VA Retro questions should be directed to DFAS: www.dfas.army.mil.

- Patient Advocates at the VA hospitals are a great resource for getting copies of medical documentation or other assistance within your VA system.